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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,917	08/27/2001	Alex Mashinsky	5106-2	4061

7590 08/11/2006

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EXAMINER

HAMILTON, LALITA M

ART UNIT

PAPER NUMBER

3693

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/939,917	MASHINSKY ET AL.
	Examiner Lalita M. Hamilton	Art Unit 3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 27 August 2001.

2a) This action is FINAL.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-18 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_ .  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson (6,598,029).

Johnson discloses a method and corresponding system for bidding on energy supply comprising continuously collecting by a control node bids and asks from buyers and sellers of electric power, dynamically matching by the control node the collected bids and asks to form matches, and configuring an electric network to route electric power in response to the control node in accordance with the matches generated (col.6, lines 5-65 and col.12, lines 5-40); switching the flow of electric power in the electric network (col.6, lines 5-65 and col.12, lines 5-40); dynamically effecting the matches generated (col.6, lines 5-65 and col.12, lines 5-40); collecting the bids and asks in a spot market (col.23, lines 25-58); collecting the bids and asks via a wide area network (col.2, lines 45-52); inputting the bids and asks to the wide area network via respective buyer terminals and seller terminals (col.2, lines 45-50); configuring an electric network comprising a high voltage direct current system (col.6, lines 5-65 and col.12, lines 5-40);

receiving current supply and demand conditions on the electric network via a feedback loop and using the current supply and 'demand for' dynamically matching bids and asks (col.6, lines 5-65 and col.12, lines 5-40); current supply and demand generating a route plan for each of the matches using the conditions (col.6, lines 5-65 and col.12, lines 5-40); continuously updating the matches based on changes in the bids and asks (col.13, line 65 to col.14, line 15); continuously updating the matches based on changes in the bids and asks (col.13, line 65 to col.14, line 15); matching an equal share of the power from a seller with the lowest asking price to all bids of buyers to which power is available (col.6, lines 5-65 and col.12, lines 5-40); matching a share of the power from a seller with the lowest asking price to all bids of buyers to which the power is available, wherein the share is proportional to the amount of power demanded by the buyer (col.6, lines 5-65 and col.12, lines 5-40); matching the ask of the power from a seller with the lowest asking price first to the bids of buyers with the highest amount pf power demanded (col.6, lines 5-65 and col.12, lines 5-40); trading and supplying electric power, a control node for continuously receiving bids and asks from buyers and sellers, matching the received bids and asks to form matched bids and asks and continuously and dynamically updating the matched bids and asks in accordance with changes occurring in the bids and asks, said control node being connectable to an electric network capable of routing electric power between buyers and sellers and for activating switching devices connected to said electric network for switching a flow of power' in the electric network to effect the matching of the bids and asks (col.6, lines 5-65 and col.12, lines 5-40); control node comprises a deal maker module for matching said bids and

asks and a route planner module for planning a route (col.6, lines 5-65 and col.12, lines 5-40); control node comprises an accounting module connectable for determining the actual use of the buyer and determining the charge to the buyer (col.7, lines 14-40).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Trammel James can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Lalita M. Hamilton  
Primary Examiner, 3693